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\*\*E-filed 5/4/06\*\*

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MISCELLANEOUS FIREARMS, )  
SILENCERS AND AMMUNITION, )  
 )  
Defendant. )

**No. C 03-1920 JF**

**STIPULATION AND [PROPOSED] ORDER  
EXTENDING STAY AND VACATING CASE  
MANAGEMENT CONFERENCE**

Plaintiff, United States of America, and Prospective Claimant Kevin Dugan, through undersigned counsel, hereby apply to the Court for a further order extending the stay of this matter and vacating the case management conference currently scheduled for May 5, 2006. In this in rem civil action, plaintiff seeks to forfeit certain firearms, silencers and ammunition alleged to have been illegally possessed by Kevin Dugan. As reported in the last request for an extension staying this action, Dugan is a prospective claimant in this action,<sup>1</sup> which is based, in large part, on the allegations at issue in the pending criminal action (United States v. Kevin Dugan, CR 03-20010 JF) . The Court has previously entered orders staying this matter pending resolution of the ongoing criminal proceeding. Pretrial motion hearing in the related criminal case is currently scheduled for July 26, 2006. The factual predicate for entry of the stay has not

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<sup>1</sup>Dugan has not yet filed a claim or Answer in the civil forfeiture action, but has advised the government and the Court that he intends to so.

1 changed. Accordingly, the parties hereby request that the Court extend the stay in this matter and  
2 continue the case management conference until Friday, August 4, 2006, or a date convenient for  
3 the Court.

4 Dated: 05/04/2006

Respectfully submitted,

5 KEVIN V. RYAN  
6 United States Attorney

7 /S/  
8 STEPHANIE M. HINDS  
Assistant United States Attorney

9  
10 Dated: 05/04/2006

11 /S/  
12 DANIEL HALPERN  
Attorney for Prospective Claimant Kevin Dugan

13  
14 **[PROPOSED] ORDER**

15 IT IS SO ORDERED. The captioned civil forfeiture case shall be stayed pursuant to 18  
16 U.S.C. § 981(g)(1) and (2) until the conclusion of the related district court criminal case, CR 03-  
17 20010 JF. The case management conference currently scheduled for May 5, 2006 is vacated.  
18 The matter is continued for further status until Friday, August 4, 2006, or a date convenient for  
19 the Court.

20  
21 Dated: 5/4/06

22   
JEREMY FOGEL  
United States District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of **Stipulation and [Proposed] Order Extending Stay and Vacating Case Management Conference** to be served this date via first class mail delivery upon the person below at the place and address which is the last known address:

Daniel Halpern, Esq.  
Halpern & Halpern  
111 N. Market Street, Suite #1010  
San Jose, CA 95113

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge. Executed this 4<sup>th</sup> day of May, 2006, at San Francisco, California.

/S/  
CAROLYN JUSAY  
Legal Assistant/ AFU